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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,152	01/20/2004	Edward E. Orner	POLY32	2560
6980 7590 06/24/2009 TROUTMAN SANDERS LLP BANK OF AMERICA PLAZA 600 PEACHTREE STREET, N.E. SUITE 5200 ATLANTA, GA 30308-2216				
			EXAMINER NGUYEN, KIMHUNG T	
			ART UNIT 2629	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,152

Applicant(s)

ORNER ET AL.

Examiner

KIMNHUNG NGUYEN

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-17, 19 and 75-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 2, 4-17, 19 and 75-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The claims 1-2, 4-17, 19 and 75-77 are pending.
The examination results are as following.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (US 2003/0196980).

As to claim 1, Ahn disclose in figs. 20-24, and 27, a support frame for an interactive display, the interactive display vertically adjustable to a desired height located between a bottom height and a top height, the frame comprising:

a base element (34);

a positioning element for moving the interactive display (modular display rack 160, fig. 23) between various heights (corresponds to the offset provides clearance for the rising hung rail to be hung on any of the cross braces along the height of a particular ladder, see [0087]);

a position locking element (locking pin 126) for securing the interactive display at the desired height, (see [0074]), at least one support (ladder rack 106) extending vertically from the base element, the position element (48) housed within the at least one support (106), the

positioning element configured to receive the interactive display. However, Ahn does not disclose that wherein the positioning element counterbalances the weight of the interactive display by applying an upward force to counteract a downward force of the interactive display, thereby allowing for the continuous level of vertical adjustment of the interactive display with an upward repositioning force of less than about 25 pounds. It would have been obvious to have the positioning element counterbalances the weight of the interactive display by applying an upward force to counteract a downward force of the interactive display as claimed by the invention because a support frame for an interactive display can stand and stable when using a counterbalance the weight of the interactive display by applying an upward force on the display, and thereby allowing for the continuous level of vertical adjustment of the interactive display with an upward repositioning force of less than about 25 pounds

As to claim 2, Ahn does not disclose the level of upward repositioning of the frame has a force ranges from about 1.0 ounce to about 3 pounds.

It would have been obvious to Omura et al. and Hartel's system to have the upward repositioning of the frame has a force of less than about 25 pounds claimed since such a modification would have involved a mere change in the weight of a system.

See In re Rose, 105 USPQ 237 (CCPA 1955) and

In re Reven, 156 USPQ 679 (CCPA 1968).

As to claim 6, Ahn disclose further comprising an interactive display mounted thereon (see modular display rack, see abstract).

As to claim 7, Ahn disclose the support frame further comprising a plurality of vertical supports (106, fig. 20).

As to claim 8, Ahn discloses further disclose further wherein at least one horizontal support (20) connects at least two of the plurality of vertical supports (see fig. 20).

As to claim 19, Ahn disclose further the support frame comprising a plurality of mobile (36) elements mounted on the base element.

4. Claims 75, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (US 2003/0196980) and Albrecht (US 6,902,074).

As to claim 75, Ahn discloses in figs. 20-22, a support frame for an interactive display, the interactive display vertically adjustable to a desired height located between a bottom height and a top height, the frame comprising: a base element (34); at least one support (106) in communication with the base element (34); and a positioning assembly in communication with the support and configured to receive the interactive display. However, Ahn does not disclose the positioning assembly enabling positioning of the interactive display in a continuous range between the bottom height and the top height, wherein the interactive display is positionable at any height between the bottom height and the top height. Albrecht discloses in figs. 1-3, a support frame comprising the positioning assembly enabling positioning is in a continuous range between the bottom height and the top height, wherein the positionable at any height between the bottom height and the top height (see abstract, see col. 3, lines 44-56 and see claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the support frame comprising the positioning assembly enabling positioning is in a

continuous range between the bottom height and the top height, wherein the positionable at any height between the bottom height and the top height as taught by Albrecht into the system of Ahn having support frame for an interactive display for producing the claimed invention because this would allow the stand elements to be packed and shipped in a box only and which interlock inside each other such as one up and one down (see col. 3, lines 49-53).

As to claim 77 is rejected as the same as claim 75.

5. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (US 2003/0196980) and Albrecht (US 6,902,074) as applied to claim 75 above, and further in view of Juenger (US 2003/0206164).

Ahn and Albrecht disclose a support frame for an interactive display, the interactive display vertically adjustable to a desired height located between a bottom height and a top height, the frame comprising: a base element (34); at least one support (106) in communication with the base element (34); and a positioning assembly in communication with the support and configured to receive the interactive display. However, Ahn and Albrecht do not disclose further comprising an internal power source for powering the interactive display without physical connection to an external power source. Juenger discloses in fig. 1 a display system comprising an internal power source (22) for powering the interactive display without physical connection to an external power source (see [0020]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the internal power source as taught by Juenger into the interactive display system of Ahn and Albrecht for producing the claimed

invention because this would provide power for limited duration and is re-charged by power received from external power adapter (see [0020]).

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (US 2003/0196980) and in view of Jakobs et al. (US 5,300,943).

Ahn does not disclose a hydraulic positioning element.

Jakobs et al. discloses in fig. 1, an electronic image processing workstation (1) comprising a support base (10) having adjustments by using the hydraulic system (see col. 8, lines 63-66 and col. 8, lines 22-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the hydraulic system as taught by Jakobs et al. into the support frame for interactive display of Ahn for producing the claimed invention because this would provide the adjustments are executed with the assistance of built-in electronic motors and actuators that make the system will be cooler when it's operation.

7. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (US 2003/0196980) in view of Omura et al. (US 2003/0001825).

As to claim 9, Ahn does not disclose that wherein the interactive display is selected from a touch-sensitive display and electronic whiteboard. Omura et al. disclose the support frame , wherein the interactive display is selected from a touch-sensitive display (201) and electronic whiteboard (figs. 29 and 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the interactive display is selected from a touch-

sensitive display and electronic whiteboard as taught by Omura et al. into the system of Ahn for reproducing the claimed invention because this would provide a coordinate-position input device, and constitutes a display surface and writing surface of the display board (see 0241).

As to claims 10-17, Ahn does not disclose further comprising a power source secured to the support frame, wherein the power source is rechargeable, or wherein the power source comprises a battery; or wherein the power source includes a power cord for recharging and includes a power level indicator. Omura et al. disclose the support frame (600, figs. 29, 30) further comprising a power source secured to the support frame, wherein the power source is rechargeable, or wherein the power source comprises a battery; and an inherent the power source includes a power cord for recharging and includes a power level indicator (see 0248). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a power source secured to the support frame, wherein the power source is rechargeable, or wherein the power source comprises a battery as taught by Omura et al. into the support frame of Ahn for producing the claimed invention because this would provide the equipment accommodating section is a power tap for supplying to the display board system (see 0248).

Response To Arguments

8. Applicant's arguments filed on 4/7/09 have been fully considered but they are not persuasive.

Applicant argues that "Ahn discloses a positioning element for the interactive display, and a position locking element for locking a vertical position of the interactive display, as were previously recited by Claim 1. (*Office Action*, p. 3.) Applicant herein clarifies Claim 1,

which now recites "a positioning element for moving the interactive display between various heights," and "a position locking element for securing the interactive display at the desired height." Applicant respectfully submits that these features of clarified independent Claim 1 are not disclosed or suggested by Ahn or the cited combinations".

Applicant also argues that "Ahn discloses a positioning element. (*Id.*) Specifically, the Examiner alleges that the vertical braces 48 of Ahn constitute such positioning element. (*Id.*) Applicant submits, however, that such vertical braces do not "move[e] the interactive display between various heights," as is presently recited".

Examiner respectively disagrees because Ahn discloses a positioning element for moving the interactive display (modular display rack 160, fig. 23) between various heights (corresponds to the offset provides clearance for the rising hung rail to be hung on any of the cross braces along the height of a particular ladder, see [0087]). For these reasons, the rejections are maintained.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMNHUNG NGUYEN whose telephone number is (571)272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimnhung Nguyen/
Examiner, Art Unit 2629

/Richard Hjerpe/

Art Unit: 2629

Supervisory Patent Examiner, Art Unit 2629